

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. Claims 1-22 stand rejected.

Regarding the Rejections under 35 U.S.C. §112

The claims have been amended to more particularly point out and distinctly claim the subject matter of the invention. The trademark term CableCARD™ has been eliminated from the claims in favor of the generic term "point of deployment module". The claims have been amended to indicate that the "point of deployment module (generic for CableCARD) is compliant with the format set forth in the trademarked OpenCable™ specification and, as the trademarked format is fully defined, accepted and understood by those skilled in this field of art, the claim scope is clearly fully definite. As used in the claim, the trademark does not define a "material or product", but rather, signifies compliance with an industry accepted set of specifications. The applicants submit that, as amended, these claims satisfy the requirements of 35 U.S.C. §112. Such use of the term as definition of a set of specifications is believed fully proper, but if the Examiner has suggestions on improvement of the claim language, such suggestions are welcome. Reconsideration of the Section 112 rejection of these claims is respectfully requested.

Regarding the Rejection under 35 U.S.C. §102

All claims were rejected under 35 USC 102(b) as being anticipated by Brooks et al (US 7,047,305). These rejections are respectfully traversed.

Regarding independent claims 1, 8, 12 and 19, claims 1 and 8 recite methods for "manipulating a stream of video data in a point of deployment module device" comprising at least "receiving a stream of video data from a host display device, the stream of video data being received by said host from a multimedia broadcaster and being encoded according to a first coding" and "transcoding the stream of video data associated with said host display device", and claims 12 and 19 recite an apparatus comprising "means for receiving a stream of video data

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from a host display device, the stream of video data being received by said host from a multimedia broadcaster and being encoded according to a first coding" and "a transcoder that transcodes the stream of video data associated with said host display device to convert the stream of video data to a second coding." In order to anticipate a claim a reference must disclose every element of the claim. The office action asserts that the Brooks et al reference discloses every element of independent claims 1, 8, 12 and 19, however, it does not disclose the above recited claim features.

The Brooks et al reference discloses a personal broadcasting system for audio and video using a wide area network to distribute the broadcast information. As such, this system discloses the preparation and distribution of audio and video content from a broadcaster's site to unknown receivers all across the amorphous wide area networks to which the broadcaster has access. Broadcasters have a need to transcode content data from one format to another prior to distribution, and the Brooks et al reference discloses such transcoding. However, this is entirely different from the claims filed herein. The Brooks et al reference does not teach or disclose a method or apparatus for "receiving a stream of video data from a host display device, the stream of video data being received by said host from a multimedia broadcaster and being encoded according to a first coding" or "a transcoder that transcodes the stream of video data associated with said host display device" as recited in independent claims 1, 8, 12, and 19. The ability for a point of deployment module device integral to a "display device" to receive incoming video data broadcasts and transcode them prior to display on said "display device" is not disclosed or taught by the Brooks et al reference. Thus, the Brooks et al reference does not anticipate each element of independent claims 1, 8, 12, and 19. Therefore, the Brooks et al reference does not provide the disclosure necessary to anticipate each of these claims. Reconsideration and allowance of independent claims 1, 8, 12 and 19 and all claims dependent therefrom are respectfully requested.

With regard to claims 6, 10, 17, and 21 the Office Action seems to assert that these claims are anticipated by the Brooks et al reference at column 11, lines 9-12. Once again, to anticipate a claim the reference must disclose each element of the claim. The Brooks et al

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reference discloses content preparation for broadcasters across a network, not data manipulation of any kind, or the methods and equipment to perform such manipulations, at the receiving end of the broadcast content. There is no disclosure or teaching in the Brooks et al reference for a point of deployment device such as a CableCARD of any kind, including a CableCARD or point of deployment device "compliant with an OpenCable™ standard format." Thus, the Brooks et al reference does not anticipate each element of claims 6, 10, 17, and 21 and, therefore, does not provide the disclosure necessary to anticipate these claims. Reconsideration and allowance of claims 6, 10, 17, and 21 is respectfully requested.

With regard to claims 7, 11, 18, and 22 the office action seems to assert that these claims are anticipated by the Brooks et al reference at column 9, lines 40-56. Once again, to anticipate a claim the reference must disclose each element of the claim. The Brooks et al reference discloses content preparation for broadcasters across a network using formats that are common for receivers attached to a wide area network and the World Wide Web. These formats include .mov, .avi and MPEG1, 2 and 4 formats. There is no disclosure or teaching in the Brooks et al reference that discloses that any coding comprises "MPEG 7 compliant coding, Wavelet compression coding, and AVC coding" as recited in claims 7, 11, 18 and 22. Thus, the Brooks et al reference does not anticipate each element of claims 6, 10, 17, and 21 and, therefore, does not provide the disclosure necessary to anticipate these claims. Reconsideration and allowance of claims 7, 11, 18 and 22 is respectfully requested.

Regarding claims 2-7, 9-11, 13-18 and 20-22, these claims inherit the features of claims 1, 8, 12 and 19 and are patentable for at least the same reasons. Therefore, reconsideration and allowance of claims 2-7, 9-11, 13-18 and 20-22 is respectfully requested.

Concluding Remarks


The undersigned additionally notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion of each distinction is clearly unnecessary at this time. Failure to address each point

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raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone or personal interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,


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